

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

IN THE MATTER OF THE SEARCH OF:)
USPS Priority Mail Parcel identified)
by tracking number EL 762010877US,)
addressed from: Walter Harris,)
1601 N.W. 114th Street, Miami, FL, 33167;)
to: Kevin Walker, 220 Dublin Drive,)
Knoxville, TN, 37923)

CASE NO.: 3:17-MJ-2125

AFFIDAVIT

I, Robert Wagner, being duly sworn, depose and say as follows:

Background of Affiant

1. I am a United States Postal Inspector assigned to investigate crimes related to the mail, including the use of the U.S. mail to unlawfully transport contraband materials, and I am currently assigned to the Knoxville Domicile of the U.S. Postal Inspection Service's Charlotte Division.
2. I am an "Investigative or Law Enforcement Officer" within the meaning of Title 18, United States Code, Section 3061 that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 3061.
3. I have participated both as a case agent and co-case agent with respect to controlled deliveries of contraband and the execution of search warrants with respect to drugs and scheduled controlled substances as well as investigations into drugs trafficking cases in Knoxville, Tennessee, Guam and Seattle, Washington. I have received formal, informal and on the job training from U.S. Postal Inspectors, Assistant United States Attorneys, the Drug Enforcement Administration, and other law enforcement agents who have done extensive work

regarding the investigations into the sales, distribution, and manufacture of controlled substances, as well as involving the proceeds from the sales of controlled substances.

4. I have conducted investigations of the mailing of controlled substances into the states of Tennessee, Washington and the Territory of Guam. All of the facts and information set forth in this affidavit were obtained through official law enforcement communications.

5. I know from my training, knowledge, and experience that the importers and distributors of controlled substances often utilize the U.S. Postal Service to facilitate the distribution of controlled substances. Such mail will come from foreign or domestic places of origin and will be typically sent by either Express Mail or Priority Mail with a USPS tracking number, or First-Class Mail.

6. I know from my personal experience and participation in the investigations of controlled substances sent via the mail, that witnesses, cooperating individuals, and informants have discussed and explained to law enforcement why the U.S. Mail system is used to facilitate the delivery of such controlled substances. I have also read official reports from other law enforcement officers detailing similar events.

7. I have participated in large package interdiction operations as a Postal Inspector in Washington State, Tennessee and Guam.

8. The information contained within this affidavit is based upon my personal observations, training, and on information related to me by other law enforcement officers and investigators as set forth more fully herein. Because the purpose of this affidavit is to set forth probable cause, your affiant has not set forth each and every fact known to me in connection with this investigation.

9. Based on my training, experience, and consultations with other law enforcement officers experienced in drug investigations, I know that certain indicators exist when persons are using the U.S. Mail system to send prohibited controlled substances from one location to another. Indicators for packages that contain controlled substances and/or the proceeds from controlled substances include, but are not limited to the following:

a. It is common for senders of controlled substances, and/or the proceeds from the sales of these, to use Express and Priority Mail because the substances or proceeds arrive faster and on a predictable date, thereby allowing the senders to keep track of the shipment or proceeds of controlled substances.

b. When the senders mail controlled substances from a particular area/state, the proceeds from the sale of these controlled substances may be returned to the shipper. There are known source states for controlled substances mailed to Tennessee (e.g., California, Colorado, Texas, Florida and Washington), where controlled substances are typically mailed from. Other major metropolitan areas as well as foreign countries have also shown to be sources on rare occasions for different substances.

c. A sender may sometimes mail the package containing controlled substances from an area different from the return address on the package because either: 1) the return address is fictitious or associated to a vacant lot or house; and/or 2) the shipper is attempting to conceal the actual location that the package was being mailed from in order to avoid detection. Additionally, there are frequently misspellings and mistakes on the label indicative of someone filling out the address label who is not a resident of the return address (i.e. a "runner" or fictitious address).

d. These packages in many instances contain a fictitious return address; no return address; an actual address associated to a vacant lot or house; or the return address that is the same as the addressee address. These packages are also sometimes addressed to or from a Commercial Mail Receiving Agency (i.e. UPS Store and Mailboxes Etc). This is done in order to conceal from law enforcement the identity of the person(s) shipping and/or receiving the controlled substances.

e. Express Mail packages containing drugs usually contain a "Signature Waiver," which allows the package to be left at a location without requiring anyone to sign for the package. Person to person Express Mail packages rarely contain a signature waiver because this level of service is usually reserved for very important items that the sender would want to ensure someone was present for at time of delivery.

f. I know from my training, experience, and discussions with other law enforcement officers that the following controlled substances are likely to be found during package interdiction operations: marijuana, methamphetamines, cocaine, LSD, psilocybin mushrooms, heroin, opium, MDMA, and the proceeds from the sales of these controlled substances.

g. I know from training, experience, and discussions with other law enforcement officers that these packages sometimes contain information and paperwork related to the sales and distribution of controlled substances. This paperwork can include, but is not limited to, information on the use and effects of the various controlled substances; the price for the controlled substance; the quality of the controlled substances; information on the actual sender; and information and instructions for ordering future controlled

substances. These packages also sometimes contain smaller packages that are pre-addressed for mailing to secondary addresses after they have met their initial destination.

Purpose of Affidavit

10. This affidavit is submitted in support of a request for a search warrant to search a **U.S. Express Mail Flat Rate Envelope bearing tracking # EL762010877US** and addressed as follows: (see Attachment A attached hereto).

FROM:
Walter Harris
1601 N.W. 114th Street
Miami, FL 33167

TO:
Kelvin Walker
220 Dublin Drive
Knoxville, TN 37923

The affidavit in support of a search warrant for this package (hereinafter referred to as the “**Subject Parcel**”), is requested to search for the following items believed to be contained in the **Subject Parcel** (see Attachment B attached hereto):

- a. Controlled substances held in violation of 21 U.S.C. §§ 841 (a) (1) and 846, and § 843(b).
- b. Items of personal property which tend to identify the person(s) in possession, control, or ownership of the package that is the subject of the search warrant.
- c. Proceeds from the sale of controlled substances held in violation of 21 U.S.C. §§ 841 (a) (1) and 846, and § 843(b), relating to using or attempting to use the United States Mail to distribute controlled substances.

Relevant Facts Pertaining to the Subject Parcel


11. On Friday June 23, 2017, Postal Inspector Wendy Boles was contacted by Knox County Sheriff's Officer Chase Christian requesting assistance regarding an Express Mail Parcel addressed to 220 Dublin Drive in Knoxville, TN 37923. Officer Christian advised the Knox County Sheriff's Office responded to 220 Dublin Drive on June 23rd to conduct a knock and talk after receiving several requests from a concerned citizen. The citizen stated there was a strong smell marijuana coming from the apartment. The citizen further stated, approximately one to two packages a week were being mailed to 220 Dublin Drive. According to Officer Christian, as officers approached the apartment, the smell of marijuana was "overwhelming."
12. The resident of the apartment was not initially home but returned to the apartment after officers made contact with a house guest named Elizabeth Cleaves, who contacted him via cell phone. The resident, who was identified by officers as Shanton Brown gave officers verbal and written consent to search the residence and his vehicle.
13. The officers asked Brown about the mailed parcels, and Brown replied that she often receives parcels in other people's names. Officers determined there was a parcel currently in the mailbox. Brown then gave the officers a key he said would open the mailbox panel. According to the officers, the key did not open the mailbox lock. Officers observed a locked safe in the bedroom to which Brown would not give the combination. Brown then stated he would open the safe if the officers would not open the mailbox or the package located inside.
14. Officer Christian advised they stopped searching at that point and obtained a search warrant for the residence. Upon opening the safe, officers recovered approximately \$89,000 dollars in U.S. currency. Brown told officers that he has not worked in six months.

15. On Friday June 23, 2017, Inspector Boles drove to 220 Dublin Drive and opened the mailbox panel and retrieved the **Subject Parcel**. Later that same day, Inspector Boles searched postal service records and found from January 2017 to the present date, approximately 30 similar mailings all mailed from the Miami, Florida area to 220 Dublin Drive. A search of the law enforcement database CLEAR revealed that the return address is fictitious and no one by the name of Kelvin Walker is associated with 220 Dublin Drive.

16. The subject parcel has been maintained unopened, in the custody of the US Postal Inspection Service pending application for a search warrant.


17. Based upon the information contained herein, there is probable cause to believe the **Subject Parcel** described in paragraph 10 is evidence and instrumentalities of criminal offenses against the United States, to wit: violations of 21 U.S.C. §§ 841(a)(1) and 846, and § 843(b), relating to using or attempting to use the United States Mail to distribute controlled substances as described in paragraphs 9 a-g.

FURTHER AFFIANT SAYETH NOT.



ROBERT WAGNER
Postal Inspector
United States Postal Inspection Service

Subscribed and sworn to before me
this 28th day of June, 2016,



The Honorable H. Bruce Guyton
United States Magistrate Judge

ATTACHMENT A

PROPERTY DESCRIPTION

One (1) U.S. Express Mail Flat Rate Envelope measuring approximately 12.5" x 9.5" that is currently secured by the United States Postal Inspection Service in the Eastern District of Tennessee and that bears or reflects the following information:

USPS tracking number: EL 762010877US

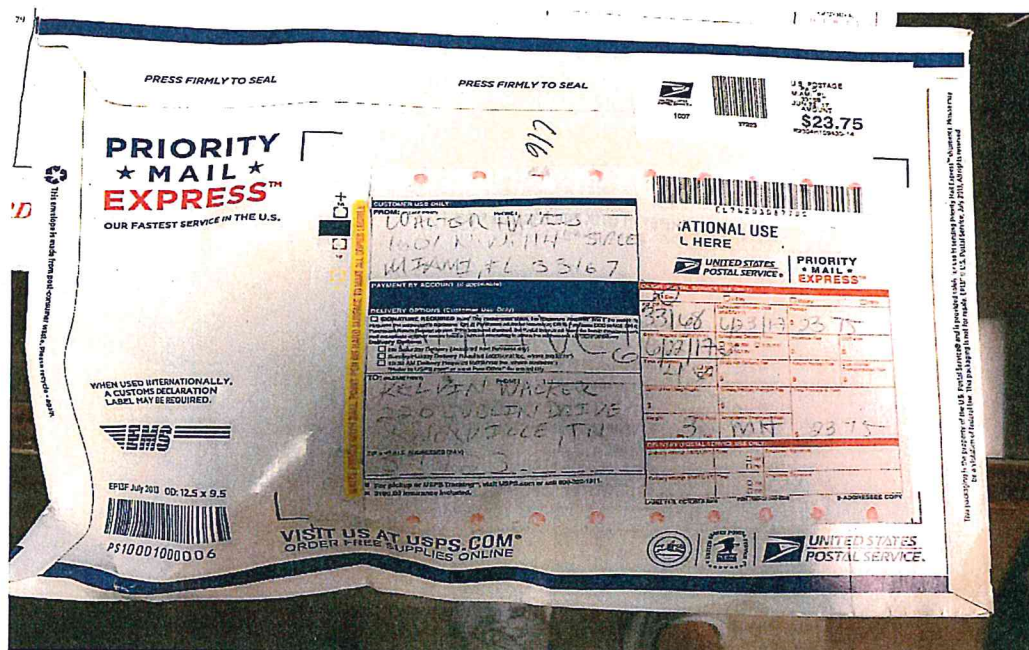
Addressee: Kelvin Walker, 220 Dublin Drive, Knoxville, TN 37923

Return Address: Walter Harris, 1601 N.W. 114th Street, Miami, FL 33167

Class of Mail: U.S. Express Mail Flat Rate

Postage affixed: \$23.75

Weight of Parcel: Approximately 3 ounces



ATTACHMENT B

DESCRIPTION OF ITEMS TO BE SEARCHED FOR AND/OR SEIZED

Evidence, fruits, and instrumentalities of violations of federal law, including Title 21, United States Code, Sections 841(a), 843(b), and 846. This evidence, fruits, and instrumentalities includes:

- (1) Controlled substances;
- (2) Proceeds from the sale of controlled substances;
- (3) Documents, books, notebooks, ledgers, papers, or records – regardless of whether in paper, electronic, or digital form – that contained or reflect notations regarding possession, receipt, transportation and/or distribution of controlled substances and the identities of criminal associates or conspirators; and
- (4) Packaging materials, paraphernalia, or other materials used to conceal, package, dispense, hold, wrap, or use controlled substances.